IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

jmi

O.A. REPORT NO.9 OF 2009
IN
INSOLVENCY PETITION NO. 74 OF 2002.

Najmuddin Esufali Indorewala. ..Insolvent.

Ex-parte :
ICDS Limited. ..Petitioning Creditor.

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Mrs. Mehta, i/b. Gaurang Mehta, for Petitioning Creditor.
Mr. Y.C. Parikh, Official Liquidator, present.

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CORAM : S.J.KATHAWALLA, J.
DATE : 6TH OCTOBER 2009.

P.C.

Perused the report of the Official Assignee wherein he has submitted that the insolvent has left Dubai without obtaining permission of the Official Assignee. His presence before the Official Assignee is, therefore, required to be secured.

2. The son of the insolvent has informed the Court on 18th August 2009 that the insolvent has left for Dubai for Physio-therapy treatment some time in August 2009. Though the Court repeatedly inquired from the son of the insolvent as to when the insolvent is

likely to return, he has stated that he is not aware as to when the insolvent will return. It is, therefore, obvious that the insolvent is not wanting to face the insolvency proceedings and has therefore left the country without permission of this Court or the Official Assignee, as required under the law.

2. In view thereof, the report is made absolute in terms of prayer clauses (a), (b) and (c), which are reproduced hereunder :-

> (a) That this Court may be pleased to order for issue of Rule Nisi against the Insolvent viz. Najmuddin Esufali Indorewala to show cause as to why an order for his committal to jail should not be made against him as he having failed and neglected to attend Official Assignee's office for his examination touching his estate and affairs and also failed and neglected to comply with the aforesaid requisitions.
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> (b) That this Court may be pleased to pass an order directing the Regional Passport Officer, Mumbai to

revoke the passport of the Insolvent Mr. Najmuddin Esufali Indorewala and permit the Official Assignee to take steps through Ministry of External Affairs for his presence before the Insolvency Court.

(c) That this Court may be pleased to grant leave to Official Assignee to serve the Rule Nisi, when issued upon the Insolvent, by Registered A.D./ Under Certificate of Posting and by pasting at the last known address of the Insolvent.

3. Report is accordingly disposed of.

[S.J.KATHAWALLA, J.]